

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
(KANSAS CITY)

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FAMBROUGH, et al.

Plaintiff,

vs.

MISSOURI FAMILY SUPPORT DIVISION

Defendant.

Case No.: **4:19-cv-00218-SRB**

**PLAINTIFF'S MOTION TO DENY DEFENDANT'S MOTION TO DISMISS AND TO
PROVIDE CLARITY TO PLAINTIFF'S COMPLAINT**

COMES NOW Plaintiffs Heather and William Fambrough (hereafter referred to as "Plaintiff") and moves this Honorable Court to grant Plaintiff's motion to deny Defendant, Missouri Family Support Division, (hereafter referred to as "Defendant"), motion to dismiss and in support states and alleges as follows:

BACKGROUND

The Missouri Family Support Division adversely lowered Heather Fambrough's monthly EBT deposit. Heather Fambrough has progressed through the EBT appeal process and this Court action is the final step in that process. Additionally, the Missouri Family Support Division advised AARP United HealthCare Heather Fambrough was not covered under Missouri's HealthNet program; while the Missouri Family Support Division assured Heather Fambrough that she was covered under Missouri's HealthNet program. Because of Missouri Family Support Division's actions Heather Fambrough was not able to convince AARP United HealthCare she was covered under the Missouri's HealthNet program, so Heather Fambrough lost her United HealthCare Dual Complete Choice (Regional PPO SNP) Medicare Health coverage for months. During those uninsured months, to her detriment, Heather Fambrough was not able to access critical care nor pay for vital prescription that Medicare had been covering.

AURGUMENT

A. All Administrative Remedies Are Exhausted.

Plaintiffs have exhausted all available administrative procedures in both cases.

Appealing through the State of Missouri's stated steps for appeal in Defendant's EBT adverse action, this Court Case is the final step; and going through the appeal process at AARP United HealthCare as far as we can this Court Action is also the final step.

(Please note, there are no administrative actions to pursue to the Director of the Division as outlined in Defendant's brief, because the Missouri Family Support Division has stated to the Fambrough's they are covered... Therefore, the Fambrough's have no Administrative actions to pursue through the State for HealthNet)

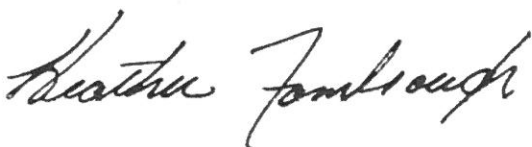
B. William Fambrough Does Have Standing.

The Missouri Family Support Division treat both William Fambrough and Heather Fambrough as an inseparable unit. Heather Fambrough's EBT and Medical benefits rise and fall with the rise and fall of William Fambrough's income. William Fambrough will benefit from an increase in EBT benefits and a healthy wife, and similarly William is injured monetarily and emotionally when Heather has no access to medical care; missing work, trying to comfort Heather while she is in extreme pain. As a unit, the lowering credit scores for both William and Heather effect the whole family.

C. William Fambrough is Heather Fambrough's Representative.

To whom all it may concern:

In the year 2006, I registered Documents giving Power of Attorney to William L. Fambrough, Jr. to represent me when I am incapable of representing myself.



Heather L. Fambrough
261-66-8010

Dated: October 31, 2019

WHEREFORE, Plaintiff prays that the Court will deny Defendant's, motion to dismiss and for such further orders as the Court deems proper in the premises.

Date: Friday, November 1, 2019



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CERTIFICATE OF SERVICE


I hereby certify that on Friday, November 1, 2019, I filed the foregoing document with the Clerk of the Court.

A true and correct copy of the foregoing has been provided to the below-named party via fax.

Laura M. Robb

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